

Mr. Dennis L. Smith "Pro se"
P.O. Box 311
Selbyville, Del. 19975 - 0311

November 2, 2007

FILED
CLERK, U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 NOV -6 PM 3:10

The 03rd Judicial - Circuit of Federal - Appeal(s)
Ms. Marcia M. Waldron
21400 United States "Court - House"
601 Market Street
Philadelphia, Pa. 19106 - 1790
Express Mail: EQ 800919736 US

The Entire Active incumbent Judicial Justice(s) / Judgeship(s)
"EXCEPT" proven Super
indelibly, {de facto} Superficial
Judge Joseph J. Farnan Jr. of the
Notorious United States District of
"DELAWARE"
844 King Street
Lockbox 18 - "Clerk"
Wilmington, Del. 19801 - 3570

Re; Smith v. Meyers / 3rd Cir. Civil **Action No. 07 - 3999** / Lower Court
Civil docket **No. 07 - cv - 00525** U.S. Dist. of Del.

Please Take Notice;

This legal - letter is in direct - immediate response,. To the letter dated; **October 18, 2007** from the Honorable; United States 03rd Judicial Circuit'(s), incumbent diligent - clerk see; Smith'(s) attached ----- **Exhibit A**

While, I truly appreciate the total indubitable unequivocal at the first notice fact that my, in total "Good" "Faith", constitutional attempt to simply / request and legally summon that the inferior, but Honorable U.S. District Court of Delaware, simply morally & ethically as well as legally, - systematically, the proper situs for instant - "Action, was legally summoned as a matter, of law. The U.S. District Court of Del., in relevant, / pertinent regard(s), to the "Federalized "Injunctive "Appropriate, "Constitutional - "Relief, that, I had as a matter, of law "Legally - "Petitioned for,. In which, was due to the "**Color, of my "Skin**, wrongfully - heinously - fundamentally - "**DENIED**.

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Ms. Marcia M. Waldron and the Entire Active incumbent Judicial Justice(s) / Judgeship(s) "**E X C E P T**" proven Super indelibly, **{de facto}** Superficial **Judge Joseph J. Farnan Jr.**

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This, Honorable, body, of "Administrative - "Professional(s), of the "Elite, "Prestigious, 03rd United States Judicial Circuit, of "Federal - "Appeal(s), **Must please understand**, this unlawful, but on the record, "**Depotic - "Web, of unconstitutional, "Bias, and "Illegal - "Prejudice**, against my person,. For, simply lawfully exercising, my "Civil - "Inalienable "Libertie(s), to have any matter, brought lawfully, / jurisdictionally before any "Federal - "Court - of - "Law; "Legally - "ENFORCED, As, a matter, of "Equal - "Justice, under the law. **Plain, and simple, I have, again and again**, legally forwarded, very compelling, super - preponderance(s), of the evidence. Understatement, and in fact, please review, the following:

{ A }. The **July 12, 2006** mutual legal agreement, **Notarized** and **recorded** in Book 00913 page 046, **clearly on it's face**, Mutually - Agreed, upon, (via) both partie(s), as myself, and Ms. Patricia A. Meyers, respectively, **signed, initialed and recorded as any WHITE MAN, and/or any other citizen / constituent** would do, As a matter, of "RECORD,. IN, which simply systematically - "STIPULATED;

{ 01 }. That, I Mr. Dennis L. Smith, would continue to uphold the "**Power of Attorney**", recorded in Book 00776 page 041, concerning her (**Ms. Patricia A. Meyers'**) **2.5 acres, which is now know as parcel B**, which we had both vehemently - mutually agreed, that I would **totally over-see**; As, my Manifest - Sole mutual concern, was / is based upon, **my obligation(s)**, to administer and to abide (via), the mutually agreed upon, document, in it's self, of itself,
Please see attached ----- **Exhibit B**

P L E A S E T A K E N O T I C E;

PLEASE, ALSO BE LEGALLY / OFFICIALLY - "ADVISED; **42 U.S.C.A. § 1985(3)**. In, which has illegally, / unlawfully, led, to the very irrational, "Wrongful - "DESPOTIC - Malfeasance - "Color of office; **42 U.S.C.A. § 1981(a). § 1983**, of, the super de facto; "Racist, currently - incumbent judge-ship; Mr. Joseph J. Farnan Jr., Whom, has intentionally, - unethically, **wrongfully - { DENIED }**, my "Inalienable "Civil - "Libertie(s),. To have, had a "Fully - "**Constitutional; Injunctive – Preventive "RESTRAINING - "ORDER**, as was Legally - "Overtly–

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Ms. Marcia M. Waldron and the Entire Active incumbent Judicial Justice(s) / Judgeship(s) "**EXCEPT**" proven Super indelibly, **{de facto}** Superficial **Judge Joseph J. Farnan Jr.**

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"Petitioned for, in which was wrongfully - heinously adversely **DENIED**, also, due to the **"Color, of my "Skin,**. Sic, ... , therefore, my first, legal - reaction; to summon, the "Court above, since "Prohibited / "Proscribed, "Racial - injustice, and "Illicit - "Arbitrary, & "Capricious - Malfeasance - "Color of "Law - like, wrong - ful act(s), of the judge-ship, in direct question, will not rest. I will find "Equal Justice, under the "Law. Also, the key, reason(s), why, I felt legally compelled, not to even remotely continue, in the de facto, U.S. District Court of Del., I, truly feel / felt, that judge; Farnan, was not, ever going, to take my "Legal - position, / position(s) - seriously,. As, his Honorable, Sacred "**Oath**, so mandatorily, potray(s), See; Title **28 U.S.C.A. § 453. U.S.C.A. § 1331**. Again, there is absolutely, no doubt, in my mind, that "Prohibited "ARBITRARY, and "CAPRICIOUS, "Abuse, of lawful authority, transgression(s), / evidence(s), / situation(s), of **very continued, / still continuing "Biased**, but totally vitreous, erroneous, plain errored / **assignment of error(s), is why I did legally petition, the Honorable 03rd Judicial Circuit of Federal "Appeal(s),. As a mater, of law,** in which is / was my "Inalienable "Right, as a matter of law. Also, **please remember, the purpose, of "Interlocutory -"Appeal(s),** in which is thus, also one of my, "Inalienable - "Legal - "Avenue(s), **if I so choose**, under the law(s).

"Imperative; Clarification; Of the day, that I filed, for "Constitutional "Injunctive - "Relief; / "T E M P O R A R Y R E S T R A I N I N G "O R D E R", on, this day in question; **August 30, 2007**, I, (Mr. Dennis L. Smith) was asked (via), Court Deputy - Clerk Staff; **and I quote; would you like to see a judge, right now ?**

MY RESPONSE, was and I quote; If, need be, I can wait, until tomorrow, if necessary,. However, I did not, want, nor anticipate, any [problem(s)], with the court. I thought that the usual fashion, would be legally appropriate, due to the **legal, document(s), "SPOKE for themself(s).** Also, **please note; I, do Honor and respect all "Court(s), of "Law, and all Justice(s), but respectfully, Judge Joseph J. Farnan Jr.,** wrongful acts as mentioned are unconstitutional and a **SHAME**, in HIGH COURT of LAW.

Also, dear; Clerk, Ms. Marcia M. Waldron, mam / young - lady ! I, am steadfastly, "Legally considering, possibly amending my "Viable "Notice of "Appeal, to an **"Interlocutory - Viable - Vehement - Legal - "Summoning, as a matter,**

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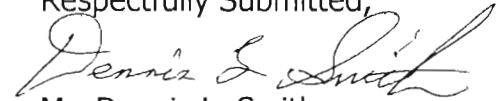
Ms. Marcia M. Waldron and the Entire Active incumbent Judicial Justice(s) / Judgeship(s) "**E X C E P T**" proven Super indelibly, **{de facto}** Superficial **Judge Joseph J. Farnan Jr.**

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of law, how-ever, please Hold, in "Lawful - "ABEYANCE, the pecuniary - monie(s), heretofore, sent forth,. As a matter, of law,. I, will be intouch with, the 03rd Circuit, on this matter, in { 10 } day(s), or so,. Unless, this Honorable - "High - "Court, does (via), Sua sponte, rule, or supercedingly - advise - other-wise,. I, truly feel yet, again, wrongfully -"Prejudiced, (via), the de facto, court, below, U.S. Dist. Court of Del., and de facto, / despotic; judge; Farnan,. and the adverse partie(s), as heretofore, listed think, that since, I have "**NO**" **withstanding Restraining Order**, that they can, do as they want to, in which as I, re-reiterate I am truly - wrongfully prejudiced, in which is totally, inconsistent, with the Rudimentary - Elemental / Fundamental, - Mandate(s), of the **Due Process Clause**, see **U.S Constitutional 5th and 14th Amendent(s)**.

Respectfully Submitted,



Mr. Dennis L. Smith

Cc: Incumbent Clerk, **Ms. Marcia M. Waldron** of the Third Judicial circuit of the United States.

Ms. Patricia A. Meyers, and her son, Mr. Mack L. Davis Jr., and all of her sibling(s)

Mr. Steven S. Krebs and his Mother Ms. Barbara Krebs

For Verification purpose(s) only; John Brady

Enclosed: Letter dated **October 18, 2007** ---- **Exhibit A**

Mutual agreement document dated **July 12, 2006** ----- **Exhibit B**

CERTIFICATE OF SERVICE

I hereby certify that the original and three copies of this **Response Letter** dated **November 2, 2007**, have been **Express Mailed** or hand delivered on this 5 day of November 2007, to the United States Court of Appeals and three copies to Respondent(s) at the following addresses:

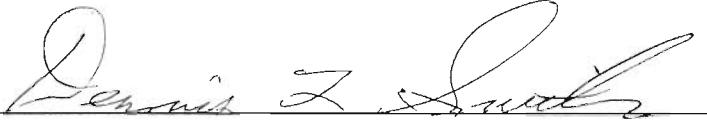
Mr. Peter T. Dalleo
Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801 – 3570
Express Mail: EQ 800919740 US

Ms. Patricia A. Meyers, and her Son,
Mr. Mack L. Davis Jr., and
all of her sibling(s)
RR 4 Box 103A
Frankford, Delaware 19945
Express Mail: EQ 800924696 US

Mr. Steven S. Krebs and
his Mother Ms. Barbara Krebs
P.O. Box 796
Selbyville, Delaware 19975
Express Mail: EQ 800924705 US

For Verification purpose(s) only;
John Brady
Recorder of Deeds
2 The Circle
P. O. Box 827
Georgetown, Delaware 19947
Express Mail: EQ 800924719 US

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.


Dennis L. Smith

UNITED STATES COURT OF APPEALS

Exhibit A

21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

MARCIA M. WALDRON

October 18, 2007

Telephone
(215-597-2378)

CLERK

Mr. Dennis Lee Smith
P.O. Box 311
Selbyville, DE 19975

Re: **Smith v. Meyers**
C.A. No. 07-3999
(D. Del. Civ. No. 07-cv-00525)

Dear Mr. Smith:

This will advise you that the above-captioned appeal will be submitted to a panel of this Court for possible dismissal due to a jurisdictional defect. It appears that this Court may lack appellate jurisdiction for the following reason:

The order that you have appealed may not be reviewable at this time by a court of appeals. Only final orders of the district courts may be reviewed. 28 U.S.C. §1291 (**enclosed**).

Jurisdictional defects cannot be remedied by the court of appeals. The parties may submit written argument in support of or in opposition to dismissal of the appeal for lack of appellate jurisdiction. Any response regarding jurisdiction must be in proper form (original and three copies, with certificate of service) and must be filed within 21-days from the date of this letter. Upon expiration of the response period, the case will be submitted to the Court for consideration of the jurisdictional question.

The parties will be advised of any Order issued in this matter.

Very truly yours,

/s/ Laura L. Greene
LAURA L. GREENE
Staff Attorney

LLG/clj

(Continued)

36350

00913 046

Agreement

Tax Map # 5-33 11.00 82.00

Prepared by: Dennis L. Smith
 Return to: Route 3, Box 96
 Frankford, DE 19945

TO ALL PERSONS, be it known that PATRICIA A. MEYERS, drivers license No. 427897,
 of RT 4 BOX 103A FRANKFORD, DE. 19945, located in Sussex County, and
Dennis L. Smith, drivers license No. 829030, of
Route 3, Box 96 Frankford DE 19945 located in Sussex County, agreed to the following:

Concerning Tax Map # 5-33 11.00 82.00 Tract 3, Plot book 92, page 126, whether past, present or future, Ms. Patricia A. Meyers agreed to never sue and/or file a lawsuit against Mr. Dennis L. Smith concerning or for any property that she sold to him and/or that she continues to own. Also, Mr. Dennis L. Smith agreed to never sue and/or file a lawsuit against Ms. Patricia A. Meyers involving her 2.5 acres +/- parcel B, which Mr. Dennis L. Smith has the October 27, 2003, power of attorney. This power of attorney was granted by Ms. Patricia A. Meyers, and was recorded in the Recorder of Deeds book No. 00776, page 041.

Mr. Dennis L. Smith and Ms. Patricia A. Meyers agreed that Mr. Dennis L. Smith will continue with civil case 1120-S, and agreed, whether past, present or future, that Mr. Dennis L. Smith will not sue and/or file a lawsuit against her, concerning his involvement in civil case No. 069-S, and his involvement in civil case No. 1120-S.

Mr. Dennis L. Smith and Ms. Patricia A. Meyers agreed, whether past, present or future, that Mr. Dennis L. Smith will not sue and/or file a lawsuit against her, for any problems that may come from her letter dated July 8, 2006, certified mail No. 7002 0460 0001 5100 2767, concerning civil case No. 1120-S.

Mr. Dennis L. Smith and Ms. Patricia A. Meyers agreed, whether past, present or future, that Mr. Dennis L. Smith will not sue and/or file a lawsuit against her, concerning two false arrests, which was Nolle Prosequi, involving civil case No. 1120-S.

Mr. Dennis L. Smith, a friend of family, agreed to place a type of house or a type of house trailer on Ms. Patricia A. Meyers' 2.5 acres parcel as mentioned above, some time after this property is completely cleared. Ms. Patricia A. Meyers and Mr. Dennis L. Smith agreed, that this document may be recorded in the Recorder of Deeds.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal on this 12 day of July,
 A.D. 2006.

Witnesseth:

RECORDER OF DEEDS
 JOHN F. BRADY

Witness

06 JUL 13 PM 2:15

Patricia A. Meyers

SUSSEX COUNTY
 DOC. SURCHARGE PAID

Dennis L. Smith

STATE OF DELAWARE :

: SS.

COUNTY OF SUSSEX :

I HEREBY CERTIFY that on this 12 day of July, A. D. 2006, personally
 Came before me, a Notary Public for the State and County aforesaid, Patricia A. Meyers and Dennis L. Smith,
 and acknowledged the foregoing agreement to be their act and deed.

NOTARY PUBLIC
 KAREN M. SAMSEL

Notary Public - State of Delaware
 My Comm. Expires Mar. 10, 2007